

State of Florida

NONDISCRIMINATION

METHODS OF ADMINISTRATION

Current methods of administration under civil rights requirements are on file in the Department of Health, Education, and Welfare Civil Rights Regional office.

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STATE OF FLORIDA
METHODS OF ADMINISTRATION
TITLE VI - CIVIL RIGHTS COMPLIANCE

I. ASSIGNMENT OF RESPONSIBILITY

The person assigned the overall coordinating responsibility for Title VI compliance is Mr. Charles Busby, Administrator of the Claims Processing and Provider Relationship Section, Bureau of Medical Services, Division of Family Services.

The Division of Health, Department of Health and Rehabilitative Services, the state institutional licensing authority and Titles XVIII and XIX survey agency, is responsible for Title VI reviews of participating institutional vendors.

II. DISSEMINATION OF INFORMATION

The following publications are used for the purpose of disseminating information.

1. Compliance with Civil Rights Act - 1964 (DFS-R 3) - published to inform applicants, recipients, Division of Family Services employees and the general public of the Division's agreement to comply without exception to all phases of the law. The pamphlet also outlines procedures for filing complaints of non-compliance.
2. Rights and Responsibilities and Reporting Changes (DFS-AP-750a) - published to inform applicants and recipients of their rights and responsibilities. This pamphlet lists the primary right to apply for public assistance and to have a redetermination of eligibility made without discrimination because of race, color or national origin and also the right to request a fair hearing if there is dissatisfaction with a decision of the Division of Family Services.
3. Florida Medicaid - Title XIX (Information Leaflet #5) - published to inform applicants, recipients, Division of Family Services employees and the general public about the various services of Medicaid. This pamphlet also includes an appropriate statement regarding civil rights compliance.

Vendors are advised of Title VI compliance requirements through statements printed on claims forms which the vendor must sign, by statements in formal contracts between the state agency and participating vendors and in instructional manuals prepared by the state agency for the various provider groups.

A section devoted to Title VI compliance responsibilities is included in the general orientation plan developed for Division of Family Services Staff.

III. MAINTAINING AND ASSURING COMPLIANCE

Title VI compliance of all participating institutional providers is determined by the Division of Health as mentioned in item I above. Initial compliance determinations are carried out with the initial survey process for the Medicaid certification, and annual reviews are completed thereafter. Review findings are documented with appropriate questionnaire and check list type forms including summary sheets which are retained in the Division of Health files. The compliance issue is confirmed to the state agency by the Division of Health as one element in the overall certification of an institutional facility for participation or continued participation in Title XIX.

Non-institutional providers are not issued provider numbers and/or contracts entered into by the state agency until Title VI compliance is determined by Division of Family Services staff through on-site visit(s). If appropriate staff has positive evidence of compliance through on-site visit(s) to a provider facility prior to the request for participation in the program, a further visit is not required for the purpose of issuing a provider number and/or completing a contract.

Annual compliance reviews, investigations of complaints, and situations involving dual waiting areas, or other bi-racial concerns are to include on-site visit(s).

If non-compliance is determined, a written notice will be sent to the provider, and participation in the program denied. The notice is to include information concerning the specific violation(s) noted, suggested corrective action to be taken by the provider, the provider's right to appeal the decision of non-compliance, and the procedures for requesting an appeal. If non-compliance is an issue with a participating provider, the notice is sent and 30 days allowed the provider to initiate the corrective action, at the end of which if in the opinion of the reviewer, substantial progress relative to the corrective action has not been made, the provider is terminated. The right of appeal applies also to the participating provider, however, during the appeal process, payments may be suspended.

Plans for reviewing non-institutional providers for continued compliance are being developed. Such reviews will be done by state agency staff on a random sample annual basis.

IV. HANDLING COMPLAINTS

All complaints made verbally, or in writing to any Division of Family Services office, or the federal office of Civil Rights within three months of the alleged violation are promptly and thoroughly reviewed to include a visit to the provider. Appropriate measures are taken to safeguard the confidentiality of the complainant. Under extenuating circumstances the three months period mentioned above may be extended. The on-site visit may be made by Division of Family Services local staff, or in the case of an institutional provider, Division of Health staff.

The investigation will include the public areas of the provider's facility, policies and practices, discussions with the complainant if possible, and other appropriate parties.

A written report relative to the investigation findings and resulting final action is to be provided the complainant, if known, and appropriate federal agency.

If non-compliance exists efforts are made to assist the provider however possible with corrective action. If non-compliance issues are not resolved, procedures described in item II above are followed.

V. RECRUITMENT AND TRAINING PROGRAMS

Division recruitment and employment activities include the use of statewide Career Service certificates of employment; employment opportunity announcements to employees of the state agency and the Department of Health and Rehabilitative Services, universities, offices of the Florida State Employment Agency, newspaper advertisements and interviews with all walk-in applicants.

Inservice training programs and outside contracted training programs are focused entirely on job functions.

Every aspect of personnel administration including grievance and appeal procedures is free from discrimination with a commitment to total Title VI compliance and the agency's existing Affirmative Action Plan.

STATE OF FLORIDA

Methods of Administration Section 504 - Civil Rights Compliance

I. Assignment of Responsibility

The person assigned the overall coordinating responsibility for Section 504 compliance within the Department of Health and Rehabilitative Services is Mr. Michael G. Norman, Administrator, Office of Civil Rights. The Section 504 Coordinator shall be responsible for such duties as:

- a. Handling complaints of discrimination.
- b. Disseminating Section 504 information to Department of Health and Rehabilitative Services' staff, beneficiaries, and interested members of the general public.
- c. Preparing compliance reports requested by the Office for Civil Rights, Department of Health, Education and Welfare.
- d. Conducting compliance reviews of providers and provider facilities when necessary as part of an investigation of noncompliance.
- e. Acting as liaison between the Department of Health and Rehabilitative Services and handicapped groups, or other community groups concerned with delivery of services.
- f. Acting as liaison between the Department of Health and Rehabilitative Services and the Office for Civil Rights, Department of Health, Education and Welfare.
- g. Providing technical assistance on Section 504 to the Department of Health and Rehabilitative Services' staff.
- h. Monitoring essential records and files relative to civil rights and the civil rights programs of the Department of Health and Rehabilitative Services.

II. Training

The Department of Health and Rehabilitative Services will take all steps necessary to insure that its staff fully understands its responsibilities and obligations under Section 504 and the Federal regulation implementing that section. The Department is presently in the initial stages of developing a suitable training program for Section 504. A Training Task Force composed of handicapped individuals and representatives from the Department's Offices of Staff Development and Training and Civil Rights has decided upon the general content of such training, the Departmental staff who need the training, and the methods of providing that training. Specific content elements and materials, and their delivery methods, are presently under development.

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Next Action 4/16/78 Date EFF 10/1/77

Classified by _____ Dated _____

III. Maintaining and Assuring Compliance

The Department of Health and Rehabilitative Services will advise its providers of Section 504 compliance requirements through statements contained in formal contracts between the State agency and the participating provider. Manuals prepared by the State agency for the various provider groups will be modified to contain Section 504 compliance requirements.

The Department of Health and Rehabilitative Services will require all providers and other participants to execute, in writing, an assurance of compliance with Section 504. However, to facilitate the submission of assurances by thousands of Medicaid providers, the Department will follow the Title VI procedure of accepting, in lieu of assurances, certification on Medicaid vouchers.

Recognizing that assurances of compliance serve primarily as notice to participants of the program that they must comply with Section 504 and that such assurances do not automatically indicate actual compliance, the Department of Health and Rehabilitative Services will conduct periodic Section 504 compliance reviews. Initial on-site compliance reviews will be conducted for all new providers within 90 days of the acceptance of the provider into the program. Annual compliance reviews will be conducted (following procedures presently under development) for as many participants of the program as possible given available staff and program resources. Compliance reviews will be conducted more frequently in those cases where discrimination is alleged or suspected.

IV. Disseminating Information

The Department of Health and Rehabilitative Services will take initial and continuing steps to inform all beneficiaries, employees, providers, and the general public that services, financial aid, and other benefits are provided on a nondiscriminatory basis as required under Section 504. In addition, beneficiaries, applicants, and employees will be notified of their right to file a complaint if they believe that they have been discriminated against on the basis of handicap. The Department will include a statement of the agency's Section 504 compliance responsibilities in all recruitment materials and publications containing general information. The Department will insure that handicapped persons are not denied information or effective notification because of their handicap.

A "Notice of Compliance" statement (Attachment) will be used to carry out the notification process mentioned above. This statement will be posted on employee's and public information bulletin boards; posted in client waiting rooms, interview rooms, personnel offices, and similar locations where applicants and clients gather; posted at intake and reception points; and included in all recruitment materials and publications containing general information. This statement will also be mailed to all providers, organizations representing handicapped persons, unions with which the Department holds collective bargaining agreements, and customary referral sources.

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The Department is in the process of developing a package for providers, including the approximately 8000 Medicaid providers, which will inform providers of the requirements of the Federal regulation implementing Section 504. This package will contain instructions and explanations for providers to carry out their compliance and administrative responsibilities, including.

- a. Providing appropriate notice.
- b. Completing a self-evaluation and transition plan.
- c. Establishing complaint procedures.
- d. Appointing a Section 504 Coordinator.
- e. Providing assurance of compliance.
- f. Adopting a written nondiscrimination policy.
- g. Assuring that programs are accessible.
- h. Complying with 45 CFR 84.22(c).
- i. Maintaining suitable compliance records.
- j. Providing appropriate auxiliary aids.

As soon as completed, this lengthy package will be sent to all providers.

V. Handling Complaints

The Department of Health and Rehabilitative Services will promptly and thoroughly investigate all written complaints alleging that any person or specific class of persons has been subjected to discrimination on the basis of handicap. Such complaints may be filed with the Department of Health and Rehabilitative Services or with the Office for Civil Rights, Department of Health, Education and Welfare.

Complaints filed with Department of Health and Rehabilitative Services and complaints forwarded to the Department by the Office for Civil Rights, Department of Health, Education, and Welfare will be investigated in accordance with established procedures. Complaints must be filed within 180 days of the alleged discriminatory act(s), but the time for filing a complaint may be extended under extenuating circumstances.

If the complaint involves a service provider, the investigation will include an on-site visit to the provider. If the result of the investigation is a determination of noncompliance, a written notice will be sent to the provider advising the provider of that determination. The notice will include information concerning specific violations noted, suggested corrective action to be taken by the provider, the provider's right to appeal the determination of noncompliance, and the procedures for requesting an appeal.

The provider will be allowed 30 days to initiate corrective action. At the end of the 30 day period, if, in the opinion of the reviewer, substantial progress relative to the corrective action has not been made, the provider will be terminated. The provider may appeal the termination decision; however, during the appeal process following termination, payment of Federal funds to the provider may be suspended.

The Department of Health and Rehabilitative Services will advise the complainant, in a timely manner, of the findings of the investigation.

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of the complaint, and of the complainant's right to appeal those findings to the Office for Civil Rights, Department of Health, Education and Welfare. The Department will maintain records of each complaint, and documentation of the investigation and corrective action undertaken for each complaint.

VI. Written Nondiscrimination Policy

The Department of Health and Rehabilitative Services, in determining the type of activities, services, financial aid, or other benefits, or facilities which will be provided or included under such programs, or the class of individuals to whom, or the geographic areas, sites, or situations in which such activities, services, financial aid, other benefits, or facilities will be provided or included under any such program, or the class of individuals to be afforded an opportunity to participate in such programs, will not utilize any criteria or methods of administration which will result in or have the effects of discriminating against any individual solely on the basis of handicap, or which have the effect of defeating or substantially impairing the objectives of the Federal regulation implementing Section 504.

The Department of Health and Rehabilitative Services will likewise assure equal employment opportunity to any handicapped person, who is an applicant or employee, with respect to agency practices relating to recruitment, examination, appointment, training, promotion, demotion, compensation, retention, discipline, separation, or any other employment practice.

A Departmental regulation is presently being drafted to publish this nondiscrimination policy to prohibit discrimination on the basis of handicap in employment, in selection for training and educational leave, and in delivery of services, financial assistance, and other benefits of the Department's programs.

VII. Participation on Planning, Advisory, and Policy Boards

The Department of Health and Rehabilitative Services will assure that the opportunity to participate as members of the Department's planning, advisory, and policy boards is available to all persons in a nondiscriminatory manner.

VIII. Monitoring Compliance

The Department of Health and Rehabilitative Services will develop procedures for monitoring all aspects of the operation of the Department and its providers to assure that no policy or practice is, or has the effect of, discriminating against beneficiaries or other participants on the basis of handicap. The monitoring procedures to be established by the Department will include, but not be limited to, such areas as:

- a. Location of facilities.
- b. Manner of assignment of clients to staff.
- c. Criteria for acceptance into programs
- d. Referral of clients.
- e. Use of volunteers or consultants.
- f. Provision of services.
- g. Program accessibility, including assuring that providers

with fewer than 15 employees that cannot meet the requirements for program accessibility, other than by making significant alterations in existing facilities, refer handicapped persons to other accessible providers of those services.

- h. Availability of necessary auxiliary aids.
- i. Development and implementation of transition plan.

IX. Program Accessibility

The Department of Health and Rehabilitative Services will assure that no qualified handicapped person is denied the benefits of, is excluded from employment or participation in, or is otherwise subjected to discrimination under any of the Department's programs because the Department's facilities are inaccessible to, or unusable by, handicapped persons.

The Department has achieved program accessibility where possible through such means, except structural changes, as provided in the Federal regulation implementing Section 504.

- ✓ The Department has completed a District by District survey of all buildings used by the Department to determine where structural changes are necessary to make programs accessible. These District surveys were conducted by teams composed of Departmental staff (usually General Services and Vocational Rehabilitation Program professional staff) and handicapped individuals. The handicapped persons that participated in these surveys include Departmental employees and individuals from member organizations of the Florida Council of Handicapped Organizations. These survey reports, involving over 500 buildings, are presently being compiled into the Department's transition plan, which should be completed by June 30, 1978.

To further insure that programs are accessible, the Department is presently conducting a self-evaluation of all practices and policies that may not or do not conform to the requirements of the Federal regulation implementing Section 504. This self-evaluation is being conducted with the assistance of handicapped persons, both employees of the Department and consumers, and individuals from organizations representing handicapped persons. Participation in this self-evaluation is taking place at the state level as well as the local (District) level to insure the broadest possible input. The report of this self-evaluation is scheduled for completion by June 30, 1978.

Procedures are in place to assure that any facility or part of a facility, which is leased, constructed, or altered by, on behalf of, or for the Department's use in the future, is made readily accessible to and usable by handicapped persons.

The Department will provide appropriate auxiliary aids to persons with impaired sensory, manual, or speaking skills where necessary to afford such persons an equal opportunity to benefit from the Department's services.

1/3/78 77-12 12/30/77

4/6/16/78 EFF 10/1/77

X. Specific Requirements for Hospitals and Institutions

The Department of Health and Rehabilitative Services will develop procedures to assure that:

- a. Each hospital operated by the Department establishes a procedure for communicating with persons with impaired hearing for the purpose of providing emergency health care.
- b. Each hospital or outpatient facility operated by the Department does not discriminate in admission or treatment against a drug or alcohol abuser or alcoholic, who is suffering from a medical condition, because of that person's drug or alcohol abuse or alcoholism.
- c. Each qualified handicapped person of school age institutionalized because of handicap is provided an appropriate education as defined by the Federal regulation implementing Section 504.
- d. Each hospital or institution, which is one of the Department's providers, conforms to the requirements of the Federal regulation implementing Section 504 specified in this part.

XI. Corrective Requirements

The Department of Health and Rehabilitative Services will develop procedures to take remedial action to overcome the effects of prior discrimination against persons on the basis of handicap. Even in the absence of such prior discrimination, the Department will develop procedures to take voluntary action to overcome the effects of conditions that resulted in limited participation by qualified handicapped persons in the Department's programs.

The Department of Health and Rehabilitative Services will comply with the Federal requirements for corrective action by completing the following steps:

- a. Evaluate existing policies and practices.
- b. Modify and/or adopt new policies to comply with Section 504.
- c. Take appropriate remedial action.
- d. Take appropriate action to ensure that services provided to handicapped persons are equal to those services provided to non-handicapped persons.

XII. Compliance Records

The Department of Health and Rehabilitative Services will develop procedures to collect and maintain data and information regarding the participation of handicapped persons in the programs of the Department and its providers. The Department will collect and maintain such data and information as is necessary to fulfill its compliance responsibilities, and will make such data and information available upon request to the Office for Civil Rights, Department of Health, Education and Welfare.

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